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July 14, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BY HAND DELIVERY**

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Federal Communications Commission  
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Washington, D.C. 20554

Thomas Sugrue, Esquire  
Chief, Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 3-C252  
Washington, D.C. 20554

Re: *Emergency Request for Partial Waiver of the August 1 Filing Deadline  
for Semiannual FCC Form 502 Utilization and Forecast Reports  
Numbering Resource Optimization, CC Docket No. 99-200*   /    
Action Requested By July 21, 2000

Dear Messrs. Strickling and Sugrue:

Verizon Wireless<sup>1</sup> hereby requests a partial waiver of the August 1, 2000 filing deadline established in the *NRO Report and Order*<sup>2</sup> for the initial semiannual filing with the NANPA of utilization and forecast reports on FCC Form 502. Briefly stated, we expect to be able to prepare and file timely forecast reports in all (or nearly all) markets, but will not be able to file utilization reports at the thousands' block level for many markets in time for the August 1 deadline. While we believe we can timely file thousands' block utilization reports for some markets, other

<sup>1</sup> Verizon Wireless is making this request on behalf of all the subsidiary corporations, partnerships, and other entities through which it provides wireless services.

<sup>2</sup> *Numbering Resource Optimization, CC Docket 99-200, Report and Order and Further Notice of Proposed Rulemaking*, 15 F.C.C.R. 7574 (2000).

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markets will require additional time, which we anticipate will not exceed ninety days, to manually determine thousands' block numbering assignments from billing records in order to prepare and file utilization reports at that level.

Accordingly, we ask that the Commission temporarily waive the requirement that Verizon Wireless submit thousands' block utilization reports by August 1, and permit them to be filed as soon thereafter as possible, but no later than October 30, 2000. Verizon Wireless respectfully submits, as shown below, that there are unique and compelling reasons for granting the requested relief and the waiver grant will serve the public interest.

Specifically, Verizon Wireless is the product of a series of transactions in which, with FCC approval, wireless systems previously operated by a number of cellular and PCS licensees, including Vodafone AirTouch, PrimeCo Personal Communications, L.P., Bell Atlantic Mobile, and GTE Wireless, were brought together into a single enterprise. Many of these transactions closed only two weeks ago. In turn, the process of integrating these formerly separate companies — each with its own personnel, switching and billing equipment, and recordkeeping systems — into a single organization is still underway. Given the disparate systems in use in each of these organizations, it is difficult for Verizon Wireless to follow a single approach for supplying the information required in the August 1 filing. Indeed, the company is still in the process of determining how to compile the needed information from multiple companies' records. This carrier-specific circumstance necessitates our request for additional time to submit the data scheduled to be submitted August 1.

We are working diligently to identify the best way to produce the reports called for by the rules at each company. The volume of information that must be gathered is substantial — *literally* hundreds of thousands of NXX-X blocks will have to be included in the reports. Based on the information currently available, it appears that some of the formerly separate companies' systems are capable of producing the information needed to file timely utilization reports at the thousands' block level, albeit with considerable effort and expense. Verizon is using its best efforts to produce the reports by August 1. Because the information has never been maintained in a form designed for extraction in the manner required, however, we do not anticipate that this process will be completed by August 1. To produce the required utilization reports at the thousands' block level will require manual collation of huge numbers of billing and switching records. This process cannot be completed by August 1; the manual sorting and matching will likely take several additional months to complete.

Other reasons support grant of the instant request. In this regard, until very recently, it was not entirely clear that the first semiannual report (in its current form) would in fact be required on August 1. Verizon Wireless intended to file a petition for reconsideration of the thousands' block reporting requirement and expected that this would be ripe for decision (or a stay) before August 1. However, the delay in Federal Register publication of the *Report and Order* resulted in the reconsideration deadline being July 17, which means that the pleading

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cycle on petitions for reconsideration will not be completed until after August 1, and thus reconsideration is not a viable option prior to the scheduled August 1 filing. (Verizon plans to file a petition on July 17 that will ask for reconsideration, among other things, of the thousands' block reporting requirement as well as ask that the Commission suspend the semiannual filing requirements until it has completed reconsideration and clarification of the *Report and Order*. Obviously, if the latter relief is granted or the Commission otherwise defers the August 1 date, no separate waiver will be needed.)

Moreover, it was not clear that the thousands' block reporting requirement would become legally effective in time for the Commission's intended August 1 filing deadline. The Commission's March 31 *Report and Order* was not published in the Federal Register until two and a half months later, on June 16, and the reporting requirement was not made effective at that time. The Federal Register notice explicitly states that Section 52.15(f), which contains the reporting requirements, would not become effective July 17, 2000 (as the other rules did), because it required OMB approval, and added that the Commission said it would separately publish a notice in the Federal Register "announcing the effective date of § 52.15(f)." <sup>3</sup> To date, *the Commission has not yet published an announcement in the Federal Register of the effective date of the rule*. (Verizon Wireless is asking for this waiver on the assumption that an announcement will eventually be published making the rule effective for the August 1 filing date.)

In addition, even though the Commission had announced that OMB clearance was needed before the rule became effective, the Commission did not immediately begin the public comment procedures ordinarily called for by the Paperwork Reduction Act. Again, as a result, it was unclear whether the reporting requirement would become effective in time for the August 1 filing date. Indeed, the Commission did *not* commence the public Paperwork Reduction Act review process for the August 1 reporting requirements. Instead of soliciting comment, reviewing the comments, and then filing with OMB subject to a further comment, the Commission obtained an emergency temporary clearance from OMB on June 26, without any public comment process, and announced OMB's approval of FCC Form 502 in the Federal Register on July 5. <sup>4</sup> The very next day, the Commission published a notice in the Federal Register that finally initiated the public comment process on the form, with comments due on September 5 (again subsequent to the August 1 date). <sup>5</sup> Thus, if the Commission had followed the public Paperwork Reduction Act process in the first place, the August 1 filing date would not have been applicable. Equally important, an opportunity for comment would have made possible public input concerning the enormous burden involved in complying with the information

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<sup>3</sup> 65 Fed. Reg. 37,703 (June 16, 2000).

<sup>4</sup> 65 Fed. Reg. 41,461 (July 5, 2000).

<sup>5</sup> 65 Fed. Reg. 41,666 (July 6, 2000).

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collection requirements in the *Report and Order* and Form 502 – contrary to the relatively minimal burden estimates relied on by the FCC in obtaining emergency OMB clearance.<sup>6</sup>

Apart from the OMB clearance issue, it has also been difficult to prepare for the August 1 filing even in those markets where the data can be compiled, because of the unavailability of the reporting form until recently. FCC Form 502, which is to be used for the submission, was first made available to the public in draft form on June 14, seventy-five days after the release of the *Report and Order*, and the draft was subsequently revised and corrected in numerous respects on June 29, only a month before the August 1 filing deadline. Issues concerning the Form's requirements remain, and will be addressed in Verizon Wireless' petition for reconsideration.

In sum, Verizon Wireless has taken seriously its obligation to comply with the August 1 filing requirement, but it is unable to do so in all respects. Verizon Wireless submits that the approach proposed herein will supply NANPA with more accurate information than if the company is forced to file reports at the thousands' block level on August 1, regardless of data availability and accuracy. All of the relevant information will simply not be available by August 1, and the quality and accuracy of the data reported would, as a result, be problematic. The requested limited delay will better ensure that the thousands' block utilization reports ultimately filed are more complete and accurate, to the extent the data available allows.

Finally, Verizon Wireless submits that there will be no adverse consequences to granting the requested waiver. NANPA, to which the reports will be submitted, has publicly stated that it will not have systems in place to organize and analyze the submitted data until some time after August 1. Allowing Verizon Wireless the additional time requested will not, therefore, have a material effect on NANPA's ability to compile and analyze the data.

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<sup>6</sup> The FCC's OMB filing acknowledged that "no effort was made to solicit public comment on the final requirements," see June 13, 2000 FCC submission to OMB, Justification for Emergency Clearance at 2. Instead, the Commission based its estimates on "discussions with a limited number of carriers." *Id.*, Supporting Statement at ¶ 13.a. While the Commission did not detail its discussions, it acknowledged that the carriers "assume[d] a 5-year planning horizon made up of an initial year during which software will be developed and 4 subsequent years using that software." *Id.* Even though the burden estimate was premised on a first year consisting *exclusively* of software development, the Commission started its reporting requirements August 1, without allowing *any* time for software development. As a result, carriers have to develop *ad hoc* approaches and manual processes for developing the required information. Moreover, the burden estimates are unreasonably low. For example, the estimate for a growth code application is two hours per respondent. And the estimated average time burden of preparing a semiannual utilization/forecast report (such as the one due on August 1) is 24 hours. In Verizon's view, these figures greatly underestimate the time required, and the cost burden estimates are equally flawed. Again, the public comment process would have permitted the development of more realistic burden estimates.

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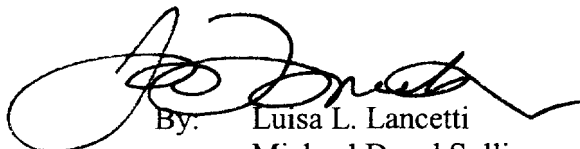
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Accordingly, Verizon Wireless respectfully requests a limited, partial waiver of the August 1 deadline for filing utilization and forecast reports with NANPA, as described herein. We request that action on this letter request be taken no later than *July 21, 2000*.

Respectfully submitted,

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By: Luisa L. Lancetti  
Michael Deuel Sullivan

Counsel for Verizon Wireless

cc: Yog Varma (by hand delivery)  
Chuck Keller (by hand delivery)  
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